

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JOSEPH D. MELONI, M.D.

Holder of License No. 20500
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-02-0648

**CONSENT AGREEMENT
FOR A DECREE OF CENSURE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Joseph D. Meloni, M.D. ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

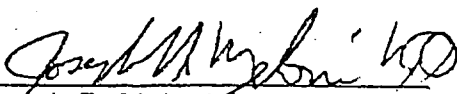
4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation

1 involving the Board and Respondent. Therefore, said admissions by Respondent are
2 not intended or made for any other use, such as in the context of another state or
3 federal government regulatory agency proceeding, civil or criminal court proceeding, in
4 the State of Arizona or any other state or federal court.

5 5. Respondent acknowledges and agrees that, although said Consent
6 Agreement and Order has not yet been accepted by the Board and issued by the
7 Executive Director, Respondent may not make any modifications to the document.
8 Upon signing this agreement, and returning this document (or a copy thereof) to the
9 Board's Executive Director, Respondent may not revoke acceptance of the Consent
10 Agreement and Order. Any modifications to this Consent Agreement and Order are
11 ineffective and void unless mutually approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,
13 once approved and signed, shall constitute a public record document that may be
14 publicly disseminated as a formal action of the Board and will be reported to the
15 National Practitioner's Data Bank and will be reported to the Arizona Medical Board's
16 website.

17 7. If any part of the Consent Agreement and Order is later declared void or
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
19 and effect.

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22 Joseph D. Meloni, M.D.

Dated: 1-17-03

1 FINDINGS OF FACT

2 1. The Board is the duly constituted authority for the regulation and control
3 of the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 20500 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. On August 30, 2002, the Board received information, from the North
7 Carolina Board of Pharmacy ("NCBP"), indicating that while conducting an investigation
8 regarding internet prescribing, information was obtained indicating that Respondent was
9 involved in internet prescribing of non-controlled medications, Viagra, Propecia, Xenical
10 and Retin-A creme.

11 4. The NCBP provided Board staff with pharmacy profiles. A pharmacy
12 survey report, summarizing the information provided by the NCBP, was prepared. The
13 report indicated that Respondent issued and/or authorized 1207 prescriptions for non-
14 controlled, prescription-only medications to 1171 patients from August 1, 2001 through
15 May 30, 2002. Those prescriptions included 1170 prescriptions for Viagra 100 mg with
16 total dosage units of 19433 tablets; 27 prescriptions for Propecia 1 mg with total dosage
17 units of 4140 tablets; 5 prescriptions for Retin-A 0.1% cream with total dosage units of
18 225 grams; and 5 prescriptions for Xenical 120 mg with total dosage units of 630
19 capsules.

20 5. Respondent prescribed prescription-only medications to persons without
21 having performed a physical examination and/or having a previously established doctor-
22 patient relationship with those persons.

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6. In Respondent's October 24, 2002, response to the Board, Respondent stated that he had performed online medical consultations for clients of RBHealth.com, an online website for prescription medications. He received approximately \$4,227.00 in compensation for his consultation services.

7. During the course of the investigation, Respondent was interviewed by Board staff on October 31, 2002, and it was determined that Respondent never had any personal contact with the persons for whom he prescribed the medications. Respondent did not know how the prescriptions were processed after he authorized them.

8. Respondent admitted that he did not possess any medical records or billings for the persons for whom he prescribed medications.

9. Respondent failed to meet the accepted standard of care in that he did not conduct a physical examination or establish a professional relationship with the persons for whom he prescribed medications.

10. Respondent failed to meet the accepted standard of care in that he did not maintain adequate records on the persons for whom he prescribed medications.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The standard of care required Respondent to first conduct a physical examination or establish a professional relationship with the persons for whom he prescribed medications.

3. The standard of care required Respondent to maintain adequate records on the persons for whom he prescribed medications.

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1 4. The conduct and circumstances described above constitute
2 unprofessional conduct pursuant to A.R.S. § 32-1401(24)(ss), "[p]rescribing, dispensing
3 or furnishing a prescription medication or a prescription-only device as defined in A.R.S.
4 § 32-1901 to a person unless the licensee first conducts a physical examination of that
5 person or has previously established a doctor-patient relationship" and A.R.S. § 32-
6 1401(24)(e), "[f]ailing or refusing to maintain adequate records on a patient."

7 ORDER

8 IT IS HEREBY ORDERED THAT:

9 1. Respondent is hereby issued a Decree of Censure for prescribing,
10 dispensing or furnishing a prescription medication or a prescription-only device as
11 defined in A.R.S. § 32-1901 to a person whom licensee has not conducted a physical
12 examination of that person or has previously established a doctor-patient relationship
13 and failing or refusing to maintain adequate records.

14 2. Respondent shall, within one year of the effective date of this Order,
15 obtain 20 hours of Board Staff pre-approved Category I Continuing Medical Education
16 (CME) in ethics and 20 hours of Board Staff pre-approved Category I Continuing
17 Medical Education (CME) in prescribing and provide Board Staff with satisfactory proof
18 of attendance. The CME hours shall be in addition to the hours required for the biennial
19 renewal of medical license.

20 3. Respondent shall pay a civil penalty in the amount of \$5,000. Respondent
21 shall pay the civil penalty within 60 days.
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